

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:16-cv-01917-TNM**

SCUDDER et al v. CENTRAL INTELLIGENCE AGENCY
Assigned to: Judge Trevor N. McFadden
Cause: 05:552 Freedom of Information Act

Date Filed: 09/28/2016
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

JEFFREY SCUDDER

represented by **Mark Steven Zaid**
LAW OFFICES OF MARK S. ZAID,
P.C.
1250 Connecticut Avenue, NW
Suite 700
Washington, DC 20036
(202) 454-2809
Fax: (202) 330-5610
Email: Mark@MarkZaid.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bradley Prescott Moss
LAW OFFICES OF MARK S. ZAID,
P.C.
1250 Connecticut Avenue, NW
Suite 700
Washington, DC 20036
(202) 454-2809
Fax: (202) 330-5610
Email: brad@markzaid.com
ATTORNEY TO BE NOTICED

Plaintiff

KEN OSGOOD

represented by **Mark Steven Zaid**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bradley Prescott Moss
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

HUGH WILFORD
*Department of History, California State
University, Long Beach*

represented by **Mark Steven Zaid**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bradley Prescott Moss
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

MARK STOUT
*John Hopkins University, Krieger School
of Arts and Sciences*

represented by **Mark Steven Zaid**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bradley Prescott Moss
 (See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

**CENTRAL INTELLIGENCE
 AGENCY**

represented by **Anjali Motgi**
 U.S. DEPARTMENT OF JUSTICE
 Civil Division, Federal Programs Branch
 1100 L St., NW
 Washington, DC 20530
 (202) 305-0879
 Fax: (202) 616-8470
 Email: anjali.motgi@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/28/2016	<u>1</u>	COMPLAINT against CENTRAL INTELLIGENCE AGENCY (Filing fee \$ 400 receipt number 0090-4689385) filed by MARK STOUT, JEFFREY SCUDDER, HUGH WILFORD, KEN OSGOOD. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons CIA, # <u>3</u> Summons USADC, # <u>4</u> Summons USAG)(Moss, Bradley) (Entered: 09/28/2016)
09/29/2016	<u>2</u>	NOTICE of Appearance by Mark S. Zaid on behalf of All Plaintiffs (Zaid, Mark) (Entered: 09/29/2016)
09/29/2016		Case Assigned to Judge Randolph D. Moss. (dr) (Entered: 09/29/2016)
09/29/2016	<u>3</u>	SUMMONS (3) Issued Electronically as to CENTRAL INTELLIGENCE AGENCY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Consent Form)(dr) (Entered: 09/29/2016)
11/03/2016	<u>4</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by CENTRAL INTELLIGENCE AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Motgi, Anjali) (Entered: 11/03/2016)
11/04/2016		MINUTE ORDER: Upon consideration of Defendant's Unopposed Motion for Extension of Time to File Answer, the motion is hereby GRANTED. Defendant shall respond to Plaintiffs' complaint on or before December 5, 2016. Signed by Judge Randolph D. Moss on 11/4/2016. (lcrdm3,) (Entered: 11/04/2016)
11/07/2016		Set/Reset Deadlines: Defendant shall respond to Plaintiffs' complaint on or before 12/5/2016. (kt) (Entered: 11/07/2016)
12/05/2016	<u>5</u>	MOTION to Dismiss <i>Count II</i> by CENTRAL INTELLIGENCE AGENCY (Motgi, Anjali) (Entered: 12/05/2016)
12/12/2016	<u>6</u>	Unopposed MOTION for Extension of Time to File Response/Reply to <i>Defendant's Partial Motion to Dismiss</i> by KEN OSGOOD, JEFFREY SCUDDER, MARK STOUT, HUGH WILFORD (Attachments: # <u>1</u> Text of Proposed Order)(Moss, Bradley) (Entered: 12/12/2016)
12/12/2016		MINUTE ORDER: Upon consideration of Plaintiffs' unopposed Motion for Extension of Time to File Response/Reply <u>6</u> , the motion is hereby GRANTED. It is ORDERED that Plaintiffs shall file any opposition to Defendant's Partial Motion to Dismiss <u>5</u> on or before January 2, 2017. Defendant shall file any reply on or before January 17, 2017. Signed by Judge Randolph D. Moss on 12/12/2016. (lcrdm3,) (Entered: 12/12/2016)
12/12/2016		Set/Reset Deadlines: Plaintiffs shall file any opposition to Defendant's Partial Motion to Dismiss <u>5</u> on or before 1/2/2017; Defendant shall file any reply on or before 1/17/2017. (kt) (Entered: 12/12/2016)

01/02/2017	<u>7</u>	Memorandum in opposition to re <u>5</u> MOTION to Dismiss <i>Count II</i> filed by KEN OSGOOD, JEFFREY SCUDDER, MARK STOUT, HUGH WILFORD. (Attachments: # <u>1</u> Exhibit 1 – Lutz Declaration, # <u>2</u> Text of Proposed Order)(Moss, Bradley) (Entered: 01/02/2017)
01/02/2017	<u>8</u>	MOTION for Leave to File <i>First Amended Complaint</i> by KEN OSGOOD, JEFFREY SCUDDER, MARK STOUT, HUGH WILFORD (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit 1 – FAC, # <u>3</u> Exhibit 2 – FOIA requests, # <u>4</u> Exhibit 3 – original Complaint, # <u>5</u> Text of Proposed Order)(Moss, Bradley) (Entered: 01/02/2017)
01/03/2017		MINUTE ORDER: It is hereby ORDERED that Defendant's Partial Motion to Dismiss <u>5</u> be HELD IN ABEYANCE pending resolution of Plaintiffs' Motion for Leave to File a First Amended Complaint <u>8</u> . Defendant need not file a reply in support of its motion until further order of this Court. It is FURTHER ORDERED that the parties shall confer regarding Defendant's position as to the Motion for Leave to File a First Amended Complaint <u>8</u> , and file a report updating the Court as to that position on or before January 5, 2017. It is FURTHER ORDERED that, if Defendant does oppose Plaintiffs' motion <u>8</u> , it shall file an opposition on or before January 16, 2017. Signed by Judge Randolph D. Moss on 1/3/2017. (lcrdm3,) (Entered: 01/03/2017)
01/03/2017		Set/Reset Deadlines: The parties shall confer regarding Defendant's position as to the Motion for Leave to File a First Amended Complaint <u>8</u> , and file a report updating the Court as to that position on or before 1/5/2017; If Defendant does oppose Plaintiffs' motion <u>8</u> , it shall file an opposition on or before 1/16/2017. (kt) (Entered: 01/03/2017)
01/05/2017	<u>9</u>	Joint STATUS REPORT <i>Re: Plaintiffs' Motion to Amend</i> by CENTRAL INTELLIGENCE AGENCY. (Motgi, Anjali) (Entered: 01/05/2017)
01/05/2017		MINUTE ORDER: Upon consideration of the parties' Joint Status Report <u>9</u> , it is hereby ORDERED that Plaintiff's Unopposed Motion for Leave to File a First Amended Complaint <u>8</u> be GRANTED and that the First Amended Complaint attached thereto be DEEMED FILED. It is FURTHER ORDERED that the pending Partial Motion to Dismiss <u>5</u> be DENIED WITHOUT PREJUDICE AS MOOT in light of the First Amended Complaint. It is FURTHER ORDERED that Defendant shall respond to the First Amended Complaint on or before January 19, 2017. For this purpose, Defendant may refile some or all of its initial motion to dismiss, but should update the citations therein to reflect the paragraph numbering of the First Amended Complaint. To the extent Defendant wishes to address the paragraphs newly added in the First Amended Complaint, Defendant shall do so in a forthcoming motion to dismiss, rather than a reply. Signed by Judge Randolph D. Moss on 1/5/2017. (lcrdm3,) (Entered: 01/05/2017)
01/06/2017		Set/Reset Deadlines: Defendant shall respond to the First Amended Complaint on or before 1/19/2017. (kt) (Entered: 01/06/2017)
01/06/2017	<u>10</u>	FIRST AMENDED COMPLAINT against CENTRAL INTELLIGENCE AGENCY filed by MARK STOUT, JEFFREY SCUDDER, HUGH WILFORD, KEN OSGOOD.(jf) (Entered: 01/06/2017)
01/18/2017	<u>11</u>	MOTION to Dismiss <i>Count II</i> by CENTRAL INTELLIGENCE AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Motgi, Anjali) (Entered: 01/18/2017)
02/01/2017	<u>12</u>	Memorandum in opposition to re <u>11</u> MOTION to Dismiss <i>Count II</i> filed by KEN OSGOOD, JEFFREY SCUDDER, MARK STOUT, HUGH WILFORD. (Attachments: # <u>1</u> Exhibit 1 – Lutz Declaration, # <u>2</u> Text of Proposed Order)(Moss, Bradley) (Entered: 02/01/2017)
02/03/2017	<u>13</u>	Unopposed MOTION for Extension of Time to File Response/Reply <i>in Support of Partial Motion to Dismiss</i> by CENTRAL INTELLIGENCE AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Motgi, Anjali) (Entered: 02/03/2017)
02/03/2017		MINUTE ORDER: Upon consideration of Defendant's Unopposed Motion for Extension of Time to File a Reply in Support of its Partial Motion to Dismiss <u>13</u> , the motion is hereby GRANTED. It is ORDERED that Defendant shall file any reply on or before February 15, 2017. Signed by Judge Randolph D. Moss on 2/3/2017. (lcrdm3,) (Entered: 02/03/2017)

02/03/2017		Set/Reset Deadlines: Defendant shall file any reply on or before 2/15/2017. (kt) (Entered: 02/03/2017)
02/15/2017	<u>14</u>	REPLY to opposition to motion re <u>11</u> MOTION to Dismiss <i>Count II</i> filed by CENTRAL INTELLIGENCE AGENCY. (Motgi, Anjali) (Entered: 02/15/2017)
11/01/2017		Case directly reassigned to Judge Trevor N. McFadden. Judge Randolph D. Moss is no longer assigned to the case. (ztnr) (Entered: 11/01/2017)
12/13/2017	<u>15</u>	ORDER. The Defendant's <u>11</u> Partial Motion to Dismiss is GRANTED. See Order for further details. It is further ORDERED that the parties shall appear for a status hearing on January 3, 2018 at 10:00 AM in Courtroom 2, before Judge Trevor N. McFadden. Signed by Judge Trevor N. McFadden on 12/13/2017. (lctnm3) (Entered: 12/13/2017)
12/13/2017	<u>16</u>	MEMORANDUM OPINION re <u>15</u> Order on Defendant's Partial Motion to Dismiss. Signed by Judge Trevor N. McFadden on 12/13/2017. (lctnm3) (Entered: 12/13/2017)
12/13/2017		Set/Reset Hearings: Status Conference scheduled for 1/3/2018, at 10:00 AM in Courtroom 2, before Judge Trevor N. McFadden. (hmc) (Entered: 12/13/2017)
01/03/2018		Minute Entry for proceedings held before Judge Trevor N. McFadden: Status Conference held on 1/3/2018. Order forthcoming. (Court Reporter: Patricia Kaneshiro-Miller.) (hmc) (Entered: 01/03/2018)
01/03/2018		MINUTE ORDER. As stated during the status conference held on January 3, 2018, the parties are ORDERED to file a Joint Status Report every 90 days advising the Court on the progress of the Defendant's productions to Plaintiff. The next Joint Status Report shall be due on or before April 3, 2018. The parties shall continue to file Joint Status Reports every 90 days thereafter until otherwise ordered by the Court. SO ORDERED. Signed by Judge Trevor N. McFadden on 1/3/2018. (lctnm3) (Entered: 01/03/2018)
01/03/2018		Set/Reset Deadlines: Joint Status Report due by 4/3/2018. (hmc) (Entered: 01/03/2018)
04/03/2018	<u>17</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY. (Motgi, Anjali) (Entered: 04/03/2018)
04/23/2018	<u>18</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Courtesy copies are excused for all filings predating the entry of this Standing Order. Signed by Judge Trevor N. McFadden on 4/20/2018. (lctnm3) (Entered: 04/23/2018)
07/05/2018		MINUTE ORDER TO SHOW CAUSE. The Court's Minute Order dated January 3, 2018 ordered the parties to file Joint Status Reports every 90 days from April 3, 2018. The parties' latest Joint Status Report was therefore due on July 2, 2018. It is hereby ORDERED that the parties shall, by July 10, 2018, show cause for the missed deadline. It is further ORDERED that the parties shall, by July 10, 2018, file a Joint Status Report. Signed by Judge Trevor N. McFadden on 7/5/2018. (lctnm3) (Entered: 07/05/2018)
07/06/2018		Set/Reset Deadlines: Response to Show Cause due by 7/10/2018; Joint Status Report due by 7/10/2018. (tg) (Entered: 07/06/2018)
07/10/2018	<u>19</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY. (Motgi, Anjali) (Entered: 07/10/2018)
07/10/2018		MINUTE ORDER. Upon consideration of the parties' <u>19</u> Joint Status Report, it is hereby ORDERED that the parties shall continue to submit joint status reports every 90 days until Defendant completes its response to Plaintiff's FOIA request. The next joint status report shall be due on October 8, 2018. It is further ORDERED that the parties shall, within fourteen days of Defendant's final production of documents, submit a joint status report for further proceedings, including, as necessary, a briefing schedule for dispositive motions. SO ORDERED. Signed by Judge Trevor N. McFadden on 7/10/2018. (lctnm3) (Entered: 07/10/2018)
07/11/2018		Set/Reset Deadlines: Joint Status Report due by 10/8/2018, and every 90 days thereafter. (hmc) (Entered: 07/11/2018)

10/08/2018	<u>20</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY. (Motgi, Anjali) (Entered: 10/08/2018)
01/02/2019	<u>21</u>	MOTION to Stay <i>Deadlines Pending Lapse in Appropriations</i> by CENTRAL INTELLIGENCE AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Motgi, Anjali) (Entered: 01/02/2019)
01/03/2019		MINUTE ORDER granting <u>21</u> Motion to Stay. Upon considering the Defendant's <u>21</u> Motion to Stay, it is hereby ordered that this matter shall be stayed until Congress has restored appropriations to the Department of Justice. It is further ordered that the Defendant will notify the Court immediately upon resumption of appropriations. Signed by Judge Trevor N. McFadden on 1/3/2019. (lctnm1) (Entered: 01/03/2019)
01/28/2019	<u>22</u>	NOTICE of Restoration of Appropriations by CENTRAL INTELLIGENCE AGENCY (Motgi, Anjali) (Entered: 01/28/2019)
01/29/2019		MINUTE ORDER: Upon consideration of the Defendant's <u>22</u> Notice, the Court hereby lifts the stay in this case. The parties are ORDERED to file a status report on or before February 1, 2019. This Report shall propose a production and status report schedule. SO ORDERED. Signed by Judge Trevor N. McFadden on 1/29/19. (lctnm3) (Entered: 01/29/2019)
01/29/2019		Set/Reset Deadlines: Joint Status Report due by 2/1/2019. (hmc) (Entered: 01/29/2019)
02/01/2019	<u>23</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY. (Motgi, Anjali) (Entered: 02/01/2019)
02/01/2019		MINUTE ORDER: Upon consideration of the parties' <u>23</u> Joint Status Report, it is hereby ORDERED that a further update shall be filed on or before February 14, 2019. This report shall propose a schedule for the remaining records productions, further joint status reports, and a schedule for further proceedings as necessary. Signed by Judge Trevor N. McFadden on 2/1/2019. (lctnm3) (Entered: 02/01/2019)
02/04/2019		Set/Reset Deadlines: Joint Status Report due by 2/14/2019. (hmc) (Entered: 02/04/2019)
02/14/2019	<u>24</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY. (Motgi, Anjali) (Entered: 02/14/2019)
02/14/2019		MINUTE ORDER: Upon consideration of the parties' <u>24</u> Joint Status Report, it is hereby ORDERED that the Defendant shall continue to produce responsive records on a rolling basis. It is further ordered that the parties shall file Joint Status Reports every 60 days. The first such Report shall be due on or before April 15, 2019. Signed by Judge Trevor N. McFadden on 2/14/2019. (lctnm3) (Entered: 02/14/2019)
02/15/2019		Set/Reset Deadlines: Joint Status Report due by 4/15/2019, and every 60 days thereafter. (hmc) (Entered: 02/15/2019)
04/15/2019	<u>25</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY. (Motgi, Anjali) (Entered: 04/15/2019)
06/14/2019	<u>26</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY. (Motgi, Anjali) (Entered: 06/14/2019)
06/17/2019		MINUTE ORDER: Upon consideration of the parties' <u>26</u> Joint Status Report, a Status Conference is hereby scheduled for July 1, 2019 at 10 a.m. in Courtroom 2 before Judge Trevor N. McFadden. Signed by Judge Trevor N. McFadden on 6/17/2019. (lctnm3) (Entered: 06/17/2019)
06/17/2019		Set/Reset Hearings: Status Conference set for 7/1/2019 at 10:00 AM in Courtroom 2 before Judge Trevor N. McFadden. (hmc) (Entered: 06/17/2019)